GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Home Department – Special Remission – Implementation of the Advance Orders of the Hon'ble High Court in W.P.No.1629/2019 and W.P.No.2912/2019 - Release of three (3) life convict prisoners namely C.T.No.816, Gani Srinivasulu of Central Prison Nellore, C.T.No.4330 Gundala Chandra Sekhar and C.T.No.4327 Gundala Mallikarjuna of P.A.C., Ananthapuram– Granted – Orders – Issued.

HOME (PAROLES) DEPARTMENT

G.O.MS.No. 90 **Dated: 03-07-2019**
Read the following:-

(1) G.O.Ms.No.8, Home (Paroles) Department, dated: 23-01-2018.
(2) G.O.Ms.No.75, Home (Paroles) Department, dated: 25-02-2019.
(3) Letter from the Director General of Prisons and Correctional Services, AP., Vijayawada, Lr No. RC-2/131/2019, dated: 22-04-2019.
(4) Orders of High Court of A.P, dated: 31-10-2018 in W.P No. 21783/2018 and batch cases.
(5) G.O.Ms.No.6, Home (Paroles) Department, dated: 09-01-2019.
(6) G.O.Ms.No.75, Home (Paroles) Department, dated: 08.06.2018.
(7) Orders of High Court of A.P, dt: 09-04-2019 in W.P No. 1629 of 2019.
(8) Orders of High Court of A.P, dt: 15-04-2019 in W.P No. 2912 of 2019.
(9) Order of High Court of A.P, dated: 14-06-2019 in Contempt Case No.324/2019 in W.P No.1629 of 2019.

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O R D E R:-

In the reference 3rd read above, the Director General of Prisons and Correctional Services, AP., Vijayawada, has informed that Government vide G.O.Ms.No.8, Home (Paroles) Department, Dated 23-01-2018 have issued guidelines for grant of Special Remission to the Life convicted prisoners on the occasion of Republic Day, 2018 and directed to send the prison-wise lists of eligible convicted prisoners to Government. Accordingly, a list of (149) eligible life convict prisoners was submitted to the Government. The names of the following (3) life convict prisoners were also included in the said list::-

Sl. No. in Combined Nominal Roll	CT.No., Name & Age of the Convict	Name of the Prison	Sentence Served as on 26.01.2018					
			Actual Sentence			Total Sentence		
			(YY)	(MM)	(DD)	(YY)	(MM)	(DD)
110	CT.No. 816, Gani Srinivasulu S/o Venkateswarlu Age : 42 Years	Central Prison, Nellore	8	4	4	10	8	19
141	C.T. No.4327 Gundala Mallikarjuna S/o Chinna Mallappa	Prisoners' Agricultural Colony, Ananthapuramu	8	10	23	11	9	2
142	C.T. No.4330 Gundala Chandrasekhar S/o Chinna Mallappa	Prisoners' Agricultural Colony, Ananthapuramu	8	11	3	11	10	18

(PTO)

2. The Standing Committee constituted vide G.O. Ms. No. 8, Home (Paroles) Department, Dated 23-01-2018 met on 06-03-2018, 12-03-2018, 19-03-2018 & 28-03-201 and reviewed the lists of eligible life convicts. The Committee after detailed examination of each prisoner's case recommended for the grant of Special Remission and premature release of (49) life convicted prisoners and deferred the grant of Special Remission to the remaining (100) life convicted prisoners including **the above said (3) life convict prisoners, were not granted Special Remission.**

3. Aggrieved by the decision taken by the Standing Committee, the family members of the said (3) convict prisoners have filed the following Writ Petitions in the Hon'ble High Court of Andhra Pradesh challenging the decision taken by the Government : -

Sl. No.	CT.No., Name of the Convict & Name of the Prison	Writ Petition No.	Name of the Petitioner
1	CT.No. 816, Gani Srinivasulu S/o Venkateswarlu Central Prison, Nellore	WP No.20942 of 2018	Filed by the convict himself
2	C.T. No.4327 Gundala Mallikarjuna S/o Chinna Mallappa Prisoners' Agricultural Colony, Ananthapuramu	WP No.22735 of 2018	G.Sandhyamma (Mother of the convict)
3	C.T. No.4330 Gundala Chandrasekhar S/o Chinna Mallappa Prisoners' Agricultural Colony, Ananthapuramu	WP No.22636 of 2018	G.Sandhyamma (Mother of the convict)

4. In the reference 4th read above, the Hon'ble High Court in its order dated. 31-10-2018 in W.P.No.21783/2018 and Batch cases while allowing their Writ Petitions has opined as under: -

> "In view of the above facts and circumstances, the writ petitions are allowed. Miscellaneous petitions, if any pending in these cases shall stand disposed of. There shall be no order as to costs."

5. In the reference 5th read above, the Government have issued guidelines for grant of Special Remission to the Life convicted prisoners on the occasion of Republic Day, 2019 and directed the Director General of Prisons and Correctional Services, AP., Vijayawada, to send the prison-wise lists of eligible convicted prisoners to Government. Accordingly, a list of 121 eligible life convict prisoners was submitted to the Government Along with the said (121) cases, a list of (40) cases of life convicted prisoners who are eligible earlier for premature release as per the conditions laid down in G.O.Ms.No.8, Home (Paroles) Department, Dated 23-01-2018 and whose writ petitions were allowed by the Hon'ble High Court of Andhra Pradesh in its order dated: 31-10-2018 were also submitted to the Government for taking necessary action. The names of the said (3) life convict prisoners were also again included in the said list of (40) cases.

6. The Standing Committee constituted met on 22-01-2019, 25-01-2019 & 28-01-2019 reviewed the lists of (121) and also (40) life convicts prisoners. The Committee after detailed examination of each prisoner's case recommended for the grant of Special Remission and premature release of (33) life convicted prisoners and rejected the grant of Special Remission to the remaining (128) life convicted prisoners. Again, the cases of the said (3) life convict prisoners were not granted Special Remission.

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7. Aggrieved by the decision taken by the Standing Committee, the family members of the said (3) convict prisoners again filed the following Writ Petitions in the Hon'ble High Court of Andhra Pradesh challenging the decision taken by the Government:

Sl. No.	CT.No., Name of the Convict & Name of the Prison	Writ Petition No.	Name of the Petitioner
1	CT.No. 816, Gani Srinivasulu S/o Venkateswarlu Central Prison, Nellore	WP No.1629 of 2019	Gani Pavan Kumar (Brother of the convict)
2	C.T. No.4327 Gundala Mallikarjuna S/o Chinna Mallappa Prisoners' Agricultural Colony, Ananthapuramu	WP No.2912 of 2019	G.Sandhyamma (Mother of the convict)
3	C.T. No.4330 Gundala Chandrasekhar S/o Chinna Mallappa Prisoners' Agricultural Colony, Ananthapuramu		

8. In the reference 7th read above, the Hon'ble High Court of Andhra Pradesh in its order dated. 09-04-2019 in W.P No.1629/2019 has made the following advance order : -

> 'In the result, the Writ Petition is allowed directing the respondent/authorities to forthwith release the convict prisoner Gani Srinivasulu S/o Venkateswarlu by extending the remission granted under the G.O.Ms.No.8, dated 23-01-2018.'

9. In the reference 8th read above, the Hon'ble High Court of Andhra Pradesh in its order dated. 15-04-2019 in W.P No. 2912/2019 has made the following advance order :

> 'In the result, the Writ Petition is allowed. The respondents are directed to forthwith release the convicted prisoners, Gundala Chandra Sekhar (CT No.4330), S/o. G. Chinna Mallappa, and Gundala Mallikarjuna (CT No.4327), S/o. G.Chinna Mallappa, by extending the remission granted under G.O.Ms.No.6 dated 09-01-2019, if they are not required in any other crime.'

10. The Director General of Prisons and Correctional Services, AP., Vijayawada has therefore, requested the Government to take further course of action for release of the said (3) life convict prisoners in light of the advance orders dated. 09-04-2019 and 15-04-2019 issued by the Hon'ble High Court of Andhra Pradesh in W.P.No.1629/2019 and W.P.No.2912/2019 respectively.

11. In view of the circumstances stated above and in exercise of the powers conferred under Article 161 of the Constitution of India, read with section 432 of the Code of Criminal Procedure, 1973, (Central Act 2 of 1974), the Governor of Andhra Pradesh hereby remits the unexpired residual sentence of Three (03) life convicted prisoners namely:- (1) Gani Srinivasulu, S/o Venkateswarlu, CT.No. 816, Central Prison, Nellore (2) Gundala Mallikarjuna, S/o Chinna Mallappa, C.T. No.4327, Prisoners' Agricultural Colony, Ananthapuramu and (3) Gundala Chandrasekhar S/o Chinna Mallappa, C.T.No.4330, Prisoners' Agricultural Colony, Ananthapuramu, subject to the following conditions: -

(a) All premature releases under this G.O. shall be subject to execution of a Personal Bond of Rs. 50,000/- (Rupees fifty thousand only).

(b) The prisoners after release shall appear before the Probation Officer and Police Station concerned once in (3) three months till the completion of unexpired portion of sentence.

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(c) Re-arrest of the released prisoners, on cancellation of the remission granted under this G.O. in case he/she commits any criminal offence.

14. The Director General of Prisons and Correctional Services, Andhra Pradesh, Vijayawada, shall take necessary action for release of the above said prisoners duly obtaining the personal bonds.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

K.R.M. KISHORE KUMAR,
PRINCIPAL SECRETARY TO GOVERNMENT

To
The Director General of Prisons and Correctional Services, Andhra Pradesh, Vijayawada.
The Director General of Police, Andhra Pradesh, Mangalagiri.
(through the Director General of Prisons and Correctional Services, A.P., Vijayawada.
The Superintendents of Jails, Central Prison, Nellore and PAC, Ananthapuramu.
(through the Director General of Prisons & Correctional Services, A.P., Vijayawada).
Copy to :-
The Director, Information & Public Relations, Andhra Pradesh.
The P S to Governor of Andhra Pradesh.
The P.S to Chief Advisor to CM.
P.S. to Minister (Home).
The P.S to Secretary to Governor of Andhra Pradesh.
The Law (C) Department.
SF/SC.

// FORWARDED:: BY ORDER//

SECTION OFFICER